

YAVAPAI COUNTY PUBLIC DEFENDER
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B. Chamberlain
BY: _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,)	Case No.: P1300CR20081339
)	
Plaintiff,)	Superior Court Division 6
)	
vs.)	MOTION FOR RECONSIDERATION OF
)	SPECIAL APPOINTMENT OF COURT-
STEVEN CARROLL DEMOCKER)	APPOINTED COUNSEL, AND STAY OF
)	ORDER
)	
Defendant.)	(Oral Argument Requested)

Comes now, Yavapai County Public Defender, in his capacity as Contract Administrator, and hereby respectfully requests this Court reconsider its directive of Friday, November 5, 2010, regarding the appointment of an attorney for the administrative segregation or lock-down issue ("confinement issue").

The Yavapai County Public Defender acknowledges his statement to the Court that he will appoint an attorney for this purpose if ordered to do so. This statement was, however, inconsistent with the jurisdictional limitations prevailing in this instance.

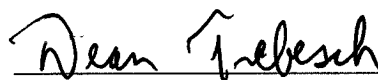
The Yavapai County Public Defender, upon further review of the Public Defender enabling statute, A.R.S. Section 11-584, finds no direct or express authority for providing an indigent defendant an attorney in a separate, essentially administrative, review or proceeding only indirectly, if at all, related to any existing criminal charges this indigent defendant is currently facing.

The enabling statute is restrictive in nature and limited to those provisions as specifically outlined. (See Trebesch v. Superior Court, 175 Ariz. 284 (1993). No clear authority is found

authorizing this special indigent legal representation in such an administrative or quasi-administrative determination in an instance such as this, when not directly or immediately tied to an existing criminal charge.

Accordingly, the Yavapai County Public Defender respectfully asks this Court to reconsider its earlier order for the reasons stated herein, and to stay that earlier order until an opportunity is provided to address these arguments in open court.

RESPECTFULLY SUBMITTED on November 8, 2010.



Dean Trebesch
Yavapai County Public Defender

A copy of the foregoing *faxed* this day to:
Superior Court Division 6
Honorable Warren Darrow, Judge of the Superior Court
John Sears, Previous Attorney for Defendant
Larry Hammond, Previous Attorney for Defendant
Joseph Butner, Assigned Deputy County Attorney
Jeff Paupore, Assigned Deputy County Attorney
Craig Williams, Conditional Attorney for Defendant
Mike Shaw, Conditional Attorney for Defendant
Christopher DuPont, Attorney for Victims Charlotte and Katherine DeMocker
John Napper, Attorney for Renee Girard

By  _____